

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID BOYER,

Plaintiff,

v.

MARTIN O'MALLEY, Commissioner of
Social Security,

Defendant.

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CIVIL ACTION

NO. 23-cv-1130

ORDER

AND NOW, this 27th day of March, 2024, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Lynne A. Sitarski (ECF No. 19), and upon independent review of the briefs filed by the parties, the Court notes as follows:

1. Neither Plaintiff nor the Commissioner filed an objection or response to the Report and Recommendation that Magistrate Lynne A. Sitarski issued on March 7, 2024 (ECF No. 19);
2. When the parties do not object to a report and recommendation, the Court reviews the recommendation under a plain error standard (*see Oldrati v. Apfel*, 33 F. Supp. 3d 397, 399 (E.D. Pa. 1998)); and
3. The Court has reviewed the record and the Report and Recommendation and finds no error.

Therefore, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Plaintiff's Request for Review (ECF No. 13) is **GRANTED**, and the matter is **REMANDED** in accordance with the fourth sentence of 42 U.S.C. § 405(g) to the

Commissioner of Social Security for further proceedings consistent with the Report and Recommendation; and

3. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

IT IS SO ORDERED.

BY THE COURT:

/s/ John Milton Younge
Judge John Milton Younge